

Repeal 2 Cal. Code Reg. Section 18944.2:

**~~§ 18944.2. Gifts to an Agency.~~**

~~(a) A payment, which is a gift as defined in Government Code Section 82028, shall be deemed a gift to a public agency, and not a gift to a public official, if all of the following requirements are met:~~

~~(1) The agency receives and controls the payment.~~

~~(2) The payment is used for official agency business.~~

~~(3) The agency, in its sole discretion, determines the specific official or officials who shall use the payment. However, the donor may identify a specific purpose for the agency's use of the payment, so long as the donor does not designate the specific official or officials who may use the payment.~~

~~(4) The agency memorializes the payment in a written public record which embodies the requirements of subdivisions (a)(1) to (a)(3) of this regulation set forth above and which:~~

~~(A) Identifies the donor and the official, officials, or class of officials receiving or using the payment;~~

~~(B) Describes the official agency use and the nature and amount of the payment;~~  
~~and~~

~~(C) Is filed with the agency official who maintains the records of the agency's statements of economic interests where the agency has a specific office for the maintenance of such statements, or where no specific office exists for the maintenance of~~

1 such statements, at a designated office of the agency, and the filing is done within 30  
2 days of the receipt of the payment by the agency.

3 ~~(b) Notwithstanding subdivisions (a)(3) and (a)(4) of this regulation, a donation to~~  
4 ~~a California public college or university for a specific research project which is received~~  
5 ~~consistent with the requirements of California Code of Regulations, Title 2, Section~~  
6 ~~18702.4(c) and for meals received in the course of an official fundraising activity, which~~  
7 ~~qualify under federal and state law for a deduction as a charitable contribution for~~  
8 ~~educational purposes, will be deemed a gift to the college or university.~~

9 ~~Comments:~~

10 ~~1. For acts of "neighborliness," also see In re Cory (1975) 1 FPPC Ops. 153 (No.~~  
11 ~~75-094-B) and In re Stone (1977) 3 FPPC Ops. 52 (No. 77-003).~~

12 ~~2. Acceptance of a pass or discount from a transportation company by a public~~  
13 ~~officer, other than a Public Utilities Commissioner, may result in forfeiture of the~~  
14 ~~official's office pursuant to Article XII, Section 7 of the California Constitution.~~

15 Note: Authority cited: Section 83112, Government Code.

16 Reference: Sections 82028, 82030, 82044, 87100, 87103, 87207, 87302 and 89501  
17 through 89506, Government Code.